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SENATE JOINT RESOLUTION 2

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Joseph F. Carraro

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 6 OF THE  
CONSTITUTION OF NEW MEXICO TO PROVIDE FOR A CABINET-LEVEL STATE  
EDUCATION DEPARTMENT UNDER THE CONTROL OF THE GOVERNOR.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. It is proposed to amend Article 12, Section 6  
of the constitution of New Mexico to read:

"A. ~~[There is hereby created a "state department of  
public education" and a "state board of education". The state  
board of education shall determine public school policy and  
vocational educational policy and]~~ The "state education  
department" is created as a cabinet department of the executive  
branch and shall have control, management and direction,  
including financial direction, distribution of school funds and  
financial accounting, for all public schools pursuant to

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1 authority and powers provided by law. The ~~[board]~~ governor  
2 shall appoint a qualified, experienced educational  
3 administrator to ~~[be known as the superintendent of public~~  
4 ~~instruction, who shall, subject to the policies established by~~  
5 ~~the board]~~ direct the operation of the state ~~[department of~~  
6 ~~public]~~ education department.

7 ~~[B. Ten members of the state board of education who~~  
8 ~~shall be state officers shall be elected for staggered terms of~~  
9 ~~four years as provided by law. Board members shall be~~  
10 ~~residents of the board of education district from which they~~  
11 ~~are elected. Change of residence of a board member to a place~~  
12 ~~outside the district from which he was elected shall~~  
13 ~~automatically terminate the term of that member.~~

14 ~~C. Five members of the state board of education who~~  
15 ~~shall be state officers shall be nominated and by and with the~~  
16 ~~consent of the senate appointed by the governor from five~~  
17 ~~districts substantially equal in population for staggered~~  
18 ~~four-year terms as provided by law. Those appointed by the~~  
19 ~~governor shall be qualified electors of the state of New~~  
20 ~~Mexico, no more than one-half or a simple majority of whom at~~  
21 ~~the time of their appointment shall be members of the same~~  
22 ~~political party. After 1990, the number of appointed members~~  
23 ~~may be changed by law not to exceed five members.~~

24 ~~D. The governor shall fill vacancies on the board~~  
25 ~~by appointment of a resident from the district in which the~~

1 ~~vacancy occurs until the next regular election for membership~~  
2 ~~on the board.~~

3 ~~E.]~~ B. Upon adoption of this amendment, all  
4 functions relating to the distribution of school funds and  
5 financial accounting for the public schools shall be  
6 transferred to the state education department [~~of public~~  
7 ~~education~~] to be performed as provided by law. "

8 Section 2. The amendment proposed by this resolution  
9 shall be submitted to the people for their approval or  
10 rejection at the next general election or at any special  
11 education prior to that date that may be called for that  
12 purpose.

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